

**NOT FOR PUBLICATION**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

**FILED**

**JUL 10 2006**

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

EDWIN ORLANDO RAMOS-MEJIA;  
GLENDY ESTELA DUARTE-  
HERRARTE,

Petitioners,

V.

ALBERTO R. GONZALES, Attorney  
General,

Respondent.

No. 04-71497

Agency Nos. A70-537-977  
A72-403-759

MEMORANDUM<sup>\*</sup>

On Petition for Review of an Order of the  
Board of Immigration Appeals

Argued and Submitted June 15, 2006  
San Francisco, California

Before: SCHROEDER, Chief Judge, GRABER, Circuit Judge, DUFFY<sup>\*\*</sup>, District  
Judge.

---

<sup>\*</sup>This disposition is not appropriate for publication and may not be cited to  
or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The Honorable Kevin Thomas Duffy, Senior United States District Judge  
for Southern New York, sitting by designation.

Edwin Ramos-Mejia and Glendy Duarte-Herrarte petition for review of the denial of their applications for asylum and withholding of removal. Ramos-Mejia claims he will face persecution if he is forced to return to Guatemala. Duarte-Herrarte, Ramos-Mejia's stepdaughter, seeks derivative relief.

The petitioners argue that the immigration judge's adverse credibility determination was not supported by substantial evidence. Where an applicant makes a false statement "for the purpose of establishing the elements of an asylum claim," we defer to the immigration judge's credibility finding. Akinmade v. INS, 196 F.3d 951, 955 (9th Cir. 1999). In this case, Ramos-Mejia falsely testified that he had never returned to Guatemala since 1992. In later testimony, the government forced Ramos-Mejia to admit he had spent two weeks in Guatemala in 1999. Because Ramos-Mejia's false testimony bears directly on whether he had an objective and subjective fear of returning to Guatemala, we defer to the immigration judge's credibility finding.

In view of the permissible adverse credibility finding, the evidence does not compel a conclusion that the petitioners are entitled to relief.

**PETITION DENIED.**